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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA Commercial Mortgage Company
06-10725 – Lead Case

USA Capital Realty Advisors, LLC
06-10726

USA Capital Diversified Trust Deed Fund,
LLC
06-10728

USA Capital First Trust Deed Fund, LLC
06-10728

USA Securities, LLC
06-10729

Debtors.

Jointly Administered

Chapter 11 Cases

Judge Linda B. Riegler Presiding

**JOINDER IN MOTION FOR
AUTHORITY TO FORBEAR AND
TO PROVIDE FURTHER FUNDING
FOR CERTAIN OUTSTANDING
LOANS [DE 592]**

Date: June 21, 2006

Time: 10:00 a.m.

Affecting:

☒ All Cases

or Only:

☐ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund,
LLC

☐ USA Capital First Trust Deed Fund, LLC

The Official Unsecured Creditors' Committee for USA Commercial Mortgage Company (the "Committee") joins in Debtors' Motion for Authority to Forbear and to Provide Further Funding for Certain Outstanding Loans [DE 592].¹ It appears to the Committee that the proposed matters are within the scope of the Debtors' business

¹ Robert A. Russell, a member of the Committee, recused himself from the Committee's decision concerning this motion.

1 judgment, and thus do not require this Court's approval under 11 U.S.C. § 363. However,
2 to the extent that Court approval is required, if the transaction is outside the ordinary
3 course of business, then the Committee concurs that the proposed transactions reflect the
4 reasonable business judgment of the Debtors as indicated in the declarations and exhibits
5 on file with the Court.

6 The suggestion by certain direct lenders that no such decision can be made without
7 the prior approval of all direct lenders involved in the loan illustrates both their short-
8 sighted view generally and why granting direct lenders leave to terminate loan servicing
9 agreements in order to replace USA Commercial Mortgage Company as the servicing
10 agent will directly hurt both USACM's unsecured creditors as well as all of the direct
11 lenders in the affected loan. The limited additional funding, consent to sale of excess
12 property to pay mechanic's liens, consent to sale of collateral to provide partial loan
13 payment, and forbearance in consideration of loan payments by related borrowers all
14 should directly benefit the direct lenders. Conversely, delay inevitably hurts both
15 administration of the loans and likely the anticipated loan repayment.

16 Dated June 19, 2006.

17 **LEWIS AND ROCA LLP**

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19 By /s/ RC (#006593)

20 Susan M. Freeman, AZ 4199 (pro hac vice)

21 Rob Charles, NV 6593

22 *Attorneys for Official Unsecured Creditors' Committee*
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